

*Seckman*

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

-----X  
[1] H. THOMAS MORAN, II, AS RECEIVER OF THE  
ASSETS OF EDWARD T. STEIN; DISP, LLC;  
EDWARD T. STEIN ASSOCIATES, LTD.; G&C  
PARTNERSHIP JOINT VENTURE; GEMINI  
FUND I, L.P.; PRIMA CAPITAL MANAGEMENT,  
LLC; VIBRANT CAPITAL CORP.; and VIBRANT  
CAPITAL FUNDING I LLC.

Plaintiffs,

- against -

[1] MORTON GOLDFARB; [2] CHARLES SAN  
FILIPPO; [3] FRED KLEIN; [4] MARIAN KLEIN;  
[5] PATRICK ROTH; [6] GWENDOLIN, INC. F/K/A  
CHANGEBRIDGE CORPORATION; [7] VICTOR  
NELSON; [8] ROBERT TUCCILLO; [9] SEYMORE  
"SY" SCHNEIDER; [10] PETER VARIO; [11] NEIL RICK;  
[12] JOHN LAVIANO; [13] ROBERT HOLBERT;  
[14] JANET MULHALL; [15] BARRY T. ZEMAN;  
[16] ANGELA ZEMAN; [17] JOSHUA ZEMAN;  
[18] JOEL MARKS; [19] RUTH MARKS;  
[20] MARVEL IMPORT INDUSTRIES, INC.,  
RETIREMENT PLAN; [21] JOSEPH BURKE,  
INDIVIDUALLY AND AS THE EXECUTOR OF  
THE ESTATE OF JOSEPH M. BURKE, SR.;  
[22] HARJINDER S. SIDIHU; [23] HOTEL DES PAYS;  
[24] JULES SIEBURGH; [25] YOUNG BIN CHOO;  
[26] CHOO REVOCABLE TRUST; [27] CHANG  
WOON HUH CHOO; [28] DOMINIC MARSICOVETERE;  
[29] HAROLD STERNFELD; [30] STUART NATTBOY;  
[31] GLORIA NATTBOY, AS THE TRUSTEE OF  
THE NATTBOY MARITAL TRUST; [32] MONA L.  
SHAPIRO-ROGERS; [33] CHRIS LOVITO;  
[34] RK HILLYER, LLC; [35] ACCOMMODATIONS  
IN NEW YORK, INC.; [36] 18TH CORP/KAZUKO  
HILLYER; [37] RUTH MARKS FAMILY TRUST;  
[38] JOAN ELLEN STEIN; [39] PHILIP UCHITEL;  
[40] SUZANNE YOUNG, AS EXECUTOR OF THE  
ESTATE OF ANDREW J. YOUNG; [41] IRWIN COHEN;  
[42] VALLERIE HARRIS; [43] PHILIP HARRIS;  
[44] PHILIP EDWARDS; [45] ELLEN EDWARDS;  
[46] BRUCE ROSENZWEIG; [47] MICHAEL  
SANDLOFER; [48] CRIS READ A/K/A CRIS

Case No.  
09-cv-7667-RJS

**NOTICE OF**  
**VOLUNTARY**  
**DISMISSAL**  
**AND PROPOSED**  
**ORDER**

USDS SDNY DOCUMENT ELECTRONICALLY FILED DOC #: DATE FILED: 6/30/10
--

STERNFELD; [49] BROOKE SIEGEL;  
[50] IRENE BRANDES; [51] SCOTT EINIGER;  
[52] MICHAEL POMERANTZ; [53] ARLENE  
BERTINI; [54] MATTHEW CANNO TRUST;  
[55] PAULA JENNINGS; [56] KEITH COHEN;  
[57] PETER COSOLA; [58] FUNDSLOSO, INC.;  
[59] PETER COSOLA, INC.; [60] JODY FAITELSON;  
[61] STEPHEN KATZ; [62] GERDA MARX;  
[63] CRAIG ROSENBERG; [64] LAURA ROSENBERG;  
[65] CATHERINE BRIENZA; [66] PATRICIA SINISTORE;  
[67] DOMINICK VARIO; [68] DALE GLASS;  
[69] FELIX DIMARTINO; [70] JOANN DIMARTINO;  
[71] ROOFTOP, INC.; [72] MATHEW CANNO;  
[73] JANICE ABERT; [74] JANICE ABERT DEFINED  
BENEFIT PENSION PLAN; [75] WILLIAM AUCION;  
[76] EDWARD HAMILTON; [77] AXEL VENTURES  
DEFINED BENEFIT PENSION PLAN; [78] DAVID  
CRANDALL; [79] ALEXANDER JEONG; [80] LAUREN  
SEIGEL; [81] DOROTHY TALMADGE;  
[82] EMANUEL TRESS; [83] WILLIAM  
SINISTORE; [84] BOJACK CORPORATION;  
[85] PATRICIA ROMANO; AND  
[86] BARBARA K. WIENER,

Defendants.

-----X

Defendant Neil Rick, by and through his counsel of record, hereby moves the court pursuant to Rule 41(a)(2) of the Federal Rules of Civil Procedure, for an order that all counter-claims by Defendant Neil Rick against Edward T. Stein, DISP, LLC, Edward T. Stein Associates, LTD., G&C Partnership Joint Venture, Gemini Fund I, L.P., Prima Capital Management, LLC, Vibrant Capital Corp., and Vibrant Capital Funding I, LLC; and against H. Thomas Moran, II, as Receiver of the assets of Edward T. Stein, DISP, LLC, Edward T. Stein Associates, LTD., G&C Partnership Joint Venture, Gemini Fund I, L.P., Prima Capital Management, LLC, Vibrant Capital Corp., and Vibrant Capital Funding I LLC Inc; and all third-party claims asserted by Defendant Neil Rick against Edward T. Stein and Gemini Fund I, L.P.,

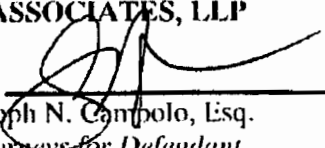
in the above-noted matter be dismissed without prejudice and on such terms and conditions as the court deems proper, with each party bearing its own costs and attorneys' fees.

Defendant Neil Rick amended his original answer to include counter-claims against the above named defendants on June 18, 2010 (Doc. No. 136), and filed a third-party complaint including claims against two of the above named defendants, Edward T. Stein and Gemini Fund I, L.P., on June 11, 2010 (Doc. No. 133). None of the aforementioned Plaintiffs and third-party defendants have filed a reply to the counter-claims or an answer to the claims against them contained in the third party complaint, and none would suffer prejudice by the dismissal of these claims.

Dated:  
June 29, 2010

Respectfully,

**CAMPOLO, MIDDLETON  
& ASSOCIATES, LLP**

By:   
Joseph N. Campolo, Esq.  
*Attorneys for Defendant*  
*Neil Rick*  
3340 Veterans Highway  
Suite 400  
Bohemia, New York 11716  
Telephone: (631) 738-9100  
Facsimile: (631) 738-0659

SO ORDERED at New York, N.Y.

This 29<sup>th</sup> day of June, 2010

  
U.S.D.J.